

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00009-MOC-WCM**

DJ-MT, LLC and DANIEL LARIMER,)

Plaintiffs,)

v.)

ORDER

**DJ3, LLC; THE LANDING STRIP,)
INC.; SAVE A CHILD, LLC; and)
DENNIS HULSING,)**

Defendants.)

_____)

This matter is before the Court on Plaintiffs' Discovery Conference Request (Doc. 54), by which Plaintiffs seek a conference related to Defendants' production of documents and the compliance by Earth Fare 2020, Inc. ("Earth Fare") with a third-party subpoena issued by Plaintiffs.

With respect to Defendants' document production, the Discovery Conference Request states that defense counsel have "indicated their willingness to review the list of documents and to supplement their production as they deem appropriate...." With respect to the Earth Fare subpoena, the Discovery Conference Request states that, though Earth Fare has indicated that all responsive documents would be produced by Defendants, Plaintiffs do not believe those materials have actually been produced. As to both topics,

Plaintiffs state that they are requesting a conference out of an abundance of caution to preserve their rights.

Having reviewed Plaintiffs' filing, the request will be denied.

The Pretrial Order and Case Management Plan entered in this case in May 2023 set a deadline of December 4, 2023 for the completion of court-enforceable discovery. Doc. 27.

On December 4, 2023, the parties filed a joint motion requesting, in part, the extension of that deadline. Doc. 46. The request was granted and the deadline for the parties to complete court-enforceable discovery was extended through and including January 19, 2024. The instant Discovery Conference Request was filed on January 19, 2024.

While it is understandable that Plaintiffs wish to preserve their rights to pursue additional documents from Defendants and Earth Fare, it is not apparent that a discovery conference is needed at this time. The Discovery Conference Request indicates that Plaintiffs and Defendants and Plaintiffs and Earth Fare may still be in discussions regarding the items that are the subject of Plaintiffs' filing.

At the same time, if the parties and Earth Fare are unable to resolve these matters between themselves, any remaining disputes should be presented promptly.¹

IT IS THEREFORE ORDERED THAT:

1. Plaintiffs' Discovery Conference Request (Doc. 54) is **DENIED**.
2. Should the parties and/or Earth Fare be unable to resolve the discovery issues that are referenced by Plaintiffs' Discovery Conference Request, Plaintiffs are given leave to file appropriate motions pertaining to those issues.
 - a. Any such motions must be filed no later than **January 30, 2024**.
 - b. Any responses must be filed no later than **February 6, 2024**.
 - c. Any replies must be filed no later than **February 9, 2024**.

Signed: January 23, 2024



W. Carleton Metcalf
United States Magistrate Judge



¹ According to the Discovery Conference Request, Defendants' document production was made in response to written discovery requests served by Plaintiffs in late June 2023 and the subpoena to Earth Fare was dated July 6, 2023.